



T: 617.330.7000 F: 617.439.9556
50 Rowes Wharf, Boston, MA 02110



July 12, 2006

By Overnight Mail

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

RE: Investigation of EPAct Standards, Docket No. DE 06-061

Dear Ms. Howland:

Enclosed for filing, please find the original and eight (8) copies of the following documents:

- Comments of Wal-Mart Stores East, L.P.
- Motion of Wal-Mart, Stores East, L.P. to Intervene or in the Alternative, to Participate as an Interested Person;
- Motion to Appear Pro Hac Vice; and
- Certificate of Service.

Kindly date stamp a copy of this cover letter and return to us in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

Robert Shapiro
Karla Doukas

Enclosures
cc: Service List



RUBIN AND
RUDMAN^{LLP}
Attorneys at Law

T: 617.330.7000 F: 617.439.9556
50 Rowes Wharf, Boston, MA 02110

July 12, 2006

By Overnight Delivery

Debra A. Howland,
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

**RE: Comments of Wal-Mart Stores East, L.P.,
Investigation of EPAct Standards, Docket No. DE 06-061**

Dear Ms. Howland:

Wal-Mart Stores East, L.P. (“Wal-Mart”) appreciates the opportunity to submit these comments relative to the Commission’s investigation into the implementation of standards pursuant to Sections 1251, 1252, and 1254 of the Energy Policy Act of 2005 (“EPAct”). Wal-Mart recognizes that the Commission is in the process of developing a scoping document in this proceeding. Wal-Mart believes that its experiences and insights would be helpful to the Commission in identifying standards and specific issues requiring further consideration. As discussed below, Wal-Mart supports the adoption of state standards and other regulatory measures that operate to promote the development and use of renewable energy resources and the conservation of energy.

The majority of the world’s energy resources use fossil fuels that emit tremendous amounts of carbon and greenhouse gases into the air. Wal-Mart, as one of the world’s largest companies and major consumers of energy, is committed to doing its part to be a good steward of the environment. Specifically, Wal-Mart’s goal is to reduce greenhouse gases at its existing stores, clubs and distribution centers around the world by 20% over the next seven years and to design and open a viable prototype that is 25 – 30 % more efficient and will produce up to 30% fewer greenhouse gas emissions within the next 4 years. In the long run, Wal-Mart seeks to supply 100% of its electricity needs through renewable energy resources.

Wal-Mart will be investing approximately \$500 million annually in technologies and innovation to accomplish these goals. In fact, Wal-Mart has already made significant strides in researching technologies in the retail setting. Wal-Mart has constructed two experimental stores, one in McKinney, Texas, and one in Aurora, Colorado, as test sites for technologies and products which are promoted to save energy, conserve natural resources, and reduce pollution. Wal-Mart’s experimental stores utilize the discovery of and practicability of several energy efficient

and environmentally-friendly technologies and energy sources. For instance, at the two experimental sites, solar photovoltaic laminates are incorporated into the building design and electricity is produced using a state-of-the-art 50-kilowatt wind turbine. The Aurora store also has been equipped with a cogeneration system, of six 60-kilowatt microturbines and a cooling tower, to deliver electricity, cooling and heating to the building. The cogeneration plant generates electricity, recovers and re-uses waste heat, and is projected to use natural gas up to 40 percent more efficiently than the utility. In the McKinney location alone, the use of these renewable technologies is expected to decrease energy use by 30% to 50% and to reduce carbon dioxide emissions by 50,000–60,000 pounds per year when compared to conventional stores.

Wal-Mart hopes to expand its clean energy and conservation efforts into New Hampshire and across the country. Accordingly, Wal-Mart supports the implementation of standards that encourage the development and use of renewable resources and state-of-the-art energy conservation measures and views this investigation as an opportunity for the Commission to pursue regulatory and policy changes that will create incentives for utilities and customers to invest in energy efficiency, to use low or no greenhouse gas sources of electricity, and to reduce barriers to integrating these renewable and other clean generating facilities into the power grid. Wal-Mart offers the following preliminary comments with regard to the standards under consideration in this proceeding. Wal-Mart reserves the right to provide additional comments on specific issues raised in the scoping document or which may arise during the proceeding.

1. Net Metering Standards

Wal-Mart urges the Commission to address the net metering standard in this proceeding. Wal-Mart supports the implementation of net metering standards that encourage the development and use of customer generation sources from all eligible technologies, without any limits on the size of the facility or a cap on the capacity based on the host utility's annual peak energy demand. The existing net energy metering standards contained in RSA 362-A:9 and the regulations promulgated thereunder pose significant barriers to the development of customer-owned generation. The enactment of Renewable Energy Portfolio Standards ("RPS") across the country evince the nation's trend in reducing our dependence on fossil fuels and fostering the development and use of renewable energy resources, such as solar and wind technologies, by requiring utilities to purchase increasing percentages of their generation supplies from qualified renewable energy resources. The use of customer-owned generation provides the additional benefit of reducing transmission constraints in congested areas. New Hampshire's existing net energy metering requirements do not adequately promote these goals. The cap of 0.05 percent of the annual peak energy demand distributed by each utility and the limit on on-site facility size (of 25 kW) are far too restrictive and create almost insurmountable disincentives for customers to make the significant investment in renewable generating resources. Further, in those instances when the electricity generated by a customer-generator exceeds the electricity supplied to that customer by the grid, RSA 362-A:9 only allows the customer generator to receive a credit on its next monthly bill. This particular limitation presents yet another disincentive to investment in on-site qualifying small power production facility.

Accordingly, Wal-Mart urges the Commission to consider whether its existing net metering standard is sufficient to accomplish the goals of promoting the development and use of renewable generation and easing potential transmission constraints and to take whatever steps are necessary to implement reasonable and effective standards.

2. Interconnection Standards

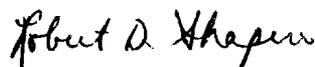
Wal-Mart supports the adoption of interconnection standards on the state level that impose reasonable safety requirements but which do not impose costly and unnecessary barriers to entry. It has been Wal-Mart's experience that the legal and transaction costs associated with meeting technical requirements other than IEEE 1547 standards can rival the cost of developing a generating facility. Interconnection guidelines are an integral part of encouraging the development of customer-owned generation. Wal-Mart urges the Commission to consider adopting standards consistent with the goals of encouraging the development of customer generation. The Commission also may want to explore the possibility of adopting the interconnection rules established by the Federal Energy Regulatory Commission ("FERC") or standards which track FERC's rules with some modifications.

3. Smart Metering Requirements

Wal-Mart supports the implementation of metering requirements that allow access to competitive metering services providers. Competitive metering will provide the information and tools that encourage and empower customers to more fully use their demand-side resources, as well as energy management capabilities. Wal-Mart has installed a sophisticated, state-of-the-art advanced metering system at many of its facilities in Texas and Connecticut, which has proven to be an effective tool for monitoring and conserving energy. In order to foster innovation in the marketplace, Wal-Mart encourages the Commission to adopt requirements that do not penalize customers that obtain their own advanced metering systems, by either requiring utilities to include separate, optional metering service charges in their rates or by providing a meter credit to offset the cost of meter ownership for customers who opt not to obtain their meter from the utility. Without a separate, optional metering charge or a reasonable competitive metering credit, customers who choose a competitive meter will pay for costs that are no longer incurred on their behalf by the utility and as such, those customers would be paying twice for metering.

Wal-Mart looks forward to discussing these and other issues associated with the Commission's investigation.

Sincerely,



Robert D. Shapiro
Karla J. Doukas

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 06-061

MOTION OF WAL-MART, STORES EAST, L.P.
TO INTERVENE OR IN THE ALTERNATIVE,
TO PARTICIPATE AS AN INTERESTED PERSON

Pursuant to RSA 541-A:32 and PUC 203.02 of the Commission's Rules of Practice and Procedure, Wal-Mart, Stores East, L.P. ("Wal-Mart") hereby moves to intervene in the above-captioned matter. In the alternative, Wal-Mart seeks to file comments and participate in this proceeding to the extent permitted as an interested pursuant to PUC 203.03. In support of this motion, Wal-Mart states as follows:

1. On April 24, 2006, the Commission commenced an investigation to consider whether to implement standards in connection with the Energy Policy Act of 2005 ("EPAct"), Sections 1251, 1252 and 1254. Specifically, EPAct requires state commissions to consider five new federal standards that have been added to Title I of the Public Utility Regulatory Policies Act and to make specific determinations as to whether implementation of the standards is appropriate. The new standards that the Commission will consider include, *inter alia*, Net Metering, Time-Based Metering and Communications or "Smart Metering," and Interconnection.
 2. Wal-Mart is one of the largest private consumers of electricity in the United States and operates multiple large retail stores in the State of New Hampshire. Across the country, Wal-Mart is developing and deploying several innovative conservation and renewable technologies with the goal of reducing greenhouse gases at its existing stores, clubs and distribution centers by 20% over the next seven years and eventually supplying 100% of its
-

electricity needs through renewable energy resources. Wal-Mart will be investing approximately \$500 million annually in technologies and innovation to accomplish these goals and hopes to expand its clean energy and conservation efforts into New Hampshire.

3. As a major retail customer in New Hampshire and an innovator in the development and use of conservation and renewable technologies, has a direct interest in this proceeding. Wal-Mart's interest cannot be adequately represented by any existing or future participant in this proceeding.
4. Wal-Mart has acquired substantial experience through its activities and participation in similar proceedings in other states and as a result, has developed unique insights into the issues of in this proceeding, including Net Metering, Smart Metering, and Interconnection.
5. Wal-Mart only recently became aware of the commencement of this proceeding. Based on the documents issued in this proceeding to date, Wal-Mart is not aware of any deadline for filing intervention. To the extent that this motion is considered out-of-time, Wal-Mart requests that its motion be granted for good cause shown.
6. Moreover, the proposed scoping document prepared on June 6, 2006 indicates that the Commission's investigation into the EPAAct standards is in the early phases. Accordingly, the granting of Wal-Mart's motion will not prejudice the rights of any of the parties or result in any undue delays. Wal-Mart also will accept any procedural schedule as established.
7. The following persons should be included on the service list in this proceeding and all communications concerning this matter should be addressed to:

Angela Beehler
Director, Energy Regulation
Sam M. Walton Development Complex
2001 SE 10th Street
Bentonville, AR 72716-0550
Telephone: (479) 204-0437

Robert D. Shapiro
Karla J. Doukas
Rubin and Rudman, LLP
50 Rowes Wharf
Boston, MA 02110
Telephone: (617) 330-7000

Facsimile: (479) 273-6851
Email: angie.beehler@wal-mart.com

Facsimile: (617) 330-7550
Email: rshapiro@rubinrudman.com
kdoukas@rubinrudman.com

Wherefore, Wal-Mart respectfully requests that its motion to intervene be granted with full rights as a party. In the alternative, Wal-Mart requests the opportunity to file a statement of its position pursuant to PUC 203.03 of the Commission's Rules of Practice and Procedure and participate to the extent permitted by the Commission as an interested person.

Respectfully submitted,
WAL-MART STORES EAST, L.P.

By its attorneys,

Robert D. Shapiro

Karla J. Doukas

Robert D. Shapiro, BBO #454520

Karla J. Doukas, BBO #634412

Rubin and Rudman, LLP

50 Rowes Wharf

Boston, MA 02110

(617) 330-7000

(617) 330-7550 (fax)

Dated: July 12, 2006

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 06-061

MOTION TO APPEAR
PRO HAC VICE

Pursuant to RSA 365:10-a and PUC 201.03(c) of the Commission's Rules of Practice and Procedure, the undersigned hereby move for admission pro hac vice to practice before this Commission with regard to the above matter.

The undersigned, Robert D. Shapiro, is a member in good standing of the Bar of the Commonwealth of Massachusetts, since 1978 (BBO # 454520). The undersigned, Karla J. Doukas, is member in good standing of the Bar of the Commonwealth of Massachusetts, since 1996 (BBO # 634412).

The undersigned agree to follow the Commission's Rules of Practice and Procedure and any orders of the Commission or agreements between the parties in the docket, including orders or agreements addressing confidentiality.

Respectfully submitted this 12th day of July, 2006.



Robert D. Shapiro, BBO #454520
Rubin and Rudman, LLP
50 Rowes Wharf
Boston, MA 02110
(617) 330-7102 (direct line)
(617) 330-7550 (fax)
Rshapiro@rubinrudman.com



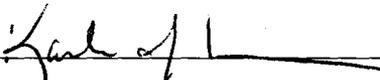
Karla J. Doukas, BBO #634412
Rubin and Rudman, LLP
50 Rowes Wharf
Boston, MA 02110
(617) 330-7125 (direct line)
(617) 330-7550 (fax)
Kdoukas@rubinrudman.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents were sent **via first class mail**, on the 12th day of July 2006 to all parties appearing on the attached service list:

- Comments of Wal-Mart Stores East, L.P.;
- Motion of Wal-Mart, Stores East, L.P. to Intervene or in the Alternative, to Participate as an Interested Person; and
- Motion to Appear Pro Hac Vice.

SIGNED under the pains and penalties of perjury.



Karla J. Doukas, Esq.

Dated: July 12, 2006

PENTTI AALTO
PJA ENERGY SYSTEMS DESIGN
720 BATCHELDER RD
PEMBROKE NH 03275

GERALD M EATON
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
780 N COMMERCIAL ST
PO BOX 330
MANCHESTER NH 03105-0330

JAMES T RODIER
ATTORNEY-AT-LAW
1500 A LAFAYETTE RD NO 112
PORTSMOUTH NH 03801-5918

KAREN ASBURY
UNITIL SVC CORP
6 LIBERTY LANE WEST
HAMPTON NH 03842-1720

GARY EPLER
UNITIL ENERGY SYSTEMS INC
6 LIBERTY LANE WEST
HAMPTON NH 03842-1720

F ANNE ROSS
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301-2429

ALEXANDRA E BLACKMORE
GRANITE STATE ELECTRIC COMPANY D/B/
25 RESEARCH DRIVE
WESTBOROUGH MA 05182

AMY IGNATIUS
OFFICE OF ENERGY AND PLANNING
57 REGIONAL DR STE 3
CONCORD NH 03301-8519

JACK K RUDERMAN
OFFICE OF STATE PLANNING AND ENERGY
57 REGIONAL DR STE 3
CONCORD NH 03301-8519

MICHAEL B COIT
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
1250 HOOKSETT RD
HOOKSETT NH 03106

HEATHER KAUFMAN
NEW HAMPSHIRE ELECTRIC COOPERATIVE
579 TENNEY MT HIGHWAY
PLYMOUTH NH 03264

DAVID J SHULOCK
BROWN OLSON & GOULD PC
2 DELTA DR STE 301
CONCORD NH 03301-7426

MARK W DEAN
DEVINE MILLIMET & BRANCH
49 N MAIN ST
PO BOX 3610
CONCORD NH 03302

ROY MORRISON
ROY MORRISON & ASSOCIATES LLC
PO BOX 201
WARNER NH 03278

KEN E TRAUM
OFFICE OF CONSUMER ADVOCATE
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301-2429

DOUGLAS DEBSKI
UNITIL ENERGY SYSTEMS INC
6 LIBERTY LANE WEST
HAMPTON NH 03842

K NOLIN
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
PO BOX 330
MANCHESTER NH 03105

JAMES H WATTS
INGERSOLL-RAND ENERGY SYSTEMS
30 NEW HAMPSHIRE AVE
PORTSMOUTH NH 03801

DAN DELUREY
DEMAND RESPONSE AND ADVANCED MET
PO BOX 957
WINCHESTER MA 01890

DONALD PFUNDSTEIN
GALLAGHER CALLAHAN & GARTRELL
214 N MAIN ST
P O BOX 1415
CONCORD NH 03302

ALLEN DESBIENS
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
780 N COMMERCIAL ST
PO BOX 330
MANCHESTER NH 03105-0330

MEABH PURCELL
LEBOEUF LAMB GREENE & MACRAE LLP
260 FRANKLIN ST
BOSTON MA 02110-3173

Docket #: 06-061-1 Printed: July 07, 2006

FILING INSTRUCTIONS:

WITH THE EXCEPTION OF DISCOVERY (SEE NEXT PAGE) FILE 1 ORIGINAL & COVER LETTER, PLUS 8 COPIES (INCLUDING COVER LETTER) TO:

DEBRA A HOWLAND
EXEC DIRECTOR & SECRETARY
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429